

**Notice of Allowability**

Application No.

09/820,574

Applicant(s)

MALTZMAN, REED

Examiner

Art Unit

Narayanswamy Subramanian

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/28/2007.
2. ☒ The allowed claim(s) is/are 1-5,7-11,13-20,22 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to Applicant's request for continued examination filed on August 28, 2008. Claims 1-5, 7-11, 13-20, 22 and 30 are pending in this application.

#### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The prior art of record (Woolston et al. US Patent 6,202,051) teaches facilitating Internet commerce through Internet worked auctions. Woolston discloses a method and a tangible machine-readable medium storing a set of instructions, for facilitating an electronic transaction comprising presenting via a computer system an auction purchase process.

Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach a computer implemented method and a tangible machine readable medium storing a set of instructions that, when executed by a machine, cause the machine to facilitate an electronic transaction, the computer implemented method including the steps of presenting, via a first computer system, both an auction purchase process and a fixed-price purchase process for purchase of an offering to a buyer, and responsive to receipt of a bid from the buyer as part of the auction purchase process, removing the presentation of the fixed-price purchase process.

For these reasons claims 1 and 30 are deemed to be allowable over the prior art of record and claims 2-5 and 7-9 are allowed by dependency on an allowed claim.

The prior art of record (Woolston et al. US Patent 6,202,051) teaches facilitating Internet commerce through Internet worked auctions. Woolston discloses a method of facilitating an electronic transaction comprising presenting via a computer system an auction purchase process. However, Woolston teaches that once a participant indicates their wishes to auction a good "the

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good is identified as waiting for an auction date and may not be purchased on the electronic market".

Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach a method of facilitating an electronic transaction including the steps of: if an affirmative indication to purchase the offering at the seller determined price is received from the buyer and no bids have been received, for the offering, the buyer, having given affirmative indication, is the successful buyer; if a first bid is received from the buyer then a buyer from which the highest bid is received is the successful buyer. This conditional statement of determining a successful bidder is in step with the initial presentation of both a fixed price purchase process and an auction purchase process.

For these reasons claim 10 is deemed to be allowable over the prior art of record and claims 11 and 13-19 are allowed by dependency on an allowed claim.

The prior art of record (Woolston et al. US Patent 6,202,051) teaches facilitating Internet commerce through Internet worked auctions. Woolston discloses a method of facilitating an electronic transaction comprising presenting via a computer system an auction purchase process. However, Woolston teaches that once a participant indicates their wishes to auction a good "the good is identified as waiting for an auction date and may not be purchased on the electronic market".

Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach a method of facilitating an electronic transaction including the steps of: automatically displaying a list of offering information in the selected category, with a visual indicator appearing in association with a respective offering if a seller of the offering has given

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affirmative indication to allow a buyer a chance to buy the first offering at a seller determined price; and removing the visual indicator after a first bid is received on the first offering from a first buyer.

For these reasons claim 20 is deemed to be allowable over the prior art of record and claim 22 is allowed by dependency on an allowed claim.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Burns et al. (US Pub. No. 2006/0015436 A1) (January 19, 2006) System and Method for Facilitating Trading of Multiple Tradeable Objects in an Electronic Trading Market

(b) Johnson et al. (US Patent 6,047,274) (April 4, 2000) Bidding for Energy Supply

(c) Burns et al. (US Pub. No. 2006/0259409 A1) (November 16, 2006) System and Method for Estimating Spread Value

(d) Kemp, II et al. (US Pub. No. 2006/0259406 A1) (November 16, 2006) System and Method for Performing Automatic Spread Trading

(e) Stuart (US Pub. No. 2006/0293994 A1) (December 28, 2006) Method and System to enable a Fixed Price Purchase within a Multi-Unit Online Auction Environment

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at (571) 272-6702. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian  
Art Unit 3692  
Primary Examiner

September 5, 2007